



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/508,857	05/13/2005	Hirofumi Kubota	041514-5343	8698

55694 7590 05/16/2007
DRINKER BIDDLE & REATH (DC)
1500 K STREET, N.W.
SUITE 1100
WASHINGTON, DC 20005-1209

EXAMINER

BLEASE, CONRAD R

ART UNIT	PAPER NUMBER
----------	--------------

2879

MAIL DATE	DELIVERY MODE
-----------	---------------

05/16/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/508,857	KUBOTA, HIROFUMI	
	Examiner	Art Unit	
	Conrad R. Blease	2809	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,5-7,9 and 10 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,2,5-7,9&10 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

Art Unit: 2809

Non-Final Rejection

Patent Application, Kubota, 2005: Organic Electroluminescence Display Panel and Method for Manufacturing the Same.

Common Basis of Claim Rejections:

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless – (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Art Unit: 2809

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

The Claims:

6. **Claim 1:** Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1 makes reference to a “high-molecular compound”. The claim “high-molecular” does not have a specific meaning, or understood meaning in the field, and renders the claim ambiguous. As this claim is ambiguous it is properly rejected under 35 U.S.C. 112.

Further, the terms high-molecular compound and inorganic barrier are vague. Examiner recommends clarifying these terms with the language from claims 2 & 5 by incorporating those two dependent claims into claim 1 and creating one larger and more specific independent claim.

7. **Claim 2:** Claim 2 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. These claims depend from claim 1, which was rejected under 35 USC 112. As such, this claim also fails for indefiniteness and is properly rejected.

Art Unit: 2809

8. **Claim 5:** Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. These claims depend from claim 1, which was rejected under 35 USC 112. As such, this claim also fails for indefiniteness and is properly rejected. Further, this claim depends on claims 2-4 which no longer exist in the application. The claim should be amended to reflect this change.

9. **Claim 7:** Claim 7 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. These claims depend from claim 1, which was rejected under 35 USC 112. As such, this claim also fails for indefiniteness and is properly rejected. Further, this claim depends on claim 6 which no longer exist in the application. The claim should be amended to reflect this change.

10. **Claim 9:** Claim 9 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. This claim depends on claim 8, which no longer exists in the application. The claim should be amended to reflect this change and to clarify what subject matter applicant is describing.

Art Unit: 2809

11. **Claim 10:** Claim 10 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. This claim depends on claim 8, which no longer exists in the application. The claim should be amended to reflect this change and to clarify what subject matter applicant is describing.

Examiner Recommendations:

12. The examiner recommends the restructuring of the claims as described above. Also, applicant should be careful to avoid multiply dependent claims. Please see MPEP § 608.01(n). Further, a proper search of the prior art cannot be completed until the issues arising out of 35 USC 112 have been resolved. However, while reviewing the contents of this application examiner gave a cursory look to the prior art contained in the foreign patent applications. As the prior art contained in these patents was similar to that of applicant, examiner would appreciate a brief statement of how the applicant's art is separate and distinct from the prior art provided by applicant. These recommendations are not binding on the applicant, but examiner feels they are in the best interest of facilitating the examination of the application.

Art Unit: 2809

Conclusion:

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Conrad R. Blease whose telephone number is 571-270-1735. The examiner can normally be reached from 10:00am to 6:00pm Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bruce, can be reached Monday through Thursday at 571-272-2487. The fax number for the organization where this application or proceeding is assigned is 571-273-8300.

Conrad R. Blease

A handwritten signature in cursive script, appearing to read "David Bruce", written in black ink.

DAVID BRUCE
SUPERVISORY PATENT EXAMINER